



JOSEPH R. BIDEN, III
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CONTACT JASON MILLER
PUBLIC INFORMATION OFFICER
PHONE (302) 577-8949
CELL (302) 893-8939
Jason.Miller@state.de.us

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Biden appeals reversal of Cooke conviction to U.S. Supreme Court

Wilmington, DE – On July 21, 2009, the Delaware Supreme Court reversed the March, 2007 murder conviction and death sentence of James E. Cooke and ordered a new trial. That decision was rendered by a deeply divided Court in a 3-2 vote. The Delaware Department of Justice has carefully reviewed the Court's ruling and researched the treatment of its core issues by other courts. It is clear from that review that this case presents very complex and important legal issues that are subject to significant debate among legal authorities and have not yet been squarely addressed by the United States Supreme Court. Moreover, these issues can recur not only in this prosecution, but in many other cases as well.

"I have decided that it is in Delaware's best interest to request a review of this case by the United States Supreme Court," Attorney General Beau Biden stated. "This case raises issues of profound constitutional significance, and today we are filing a petition for a writ of certiorari to seek the Court's clarification not only for this case, but for other criminal cases across the country. We have consulted with the family of Lindsey Bonistall, and recognize the pain they continue to experience as this case makes its way through the judicial process. We will continue to fight for justice."

It is expected that the defendant's counsel will file his response with the United States Supreme Court early in 2010 and that the Court would rule on the State's request in due course.

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